

REMARKS

By way of the above amendments, applicants have replaced several paragraphs and introduced additional paragraphs which include the entire body of both Fraley et al., "Expression of Bacterial Genes in Plants, Proc. Natl. Acad. Sci. USA, 80:4303-4307 (1983) ("Fraley") and Horsch et al., "Inheritance of Functional Foreign Genes in Plants," Science, 223:496-498 (1984) ("Horsch"). These references, originally cited in the paragraph bridging pages 14-15 of the present reissue application, are explicitly incorporated by reference, in their entirety, into the specification. Such incorporation by reference is noted on page 18, lines 14-22, which recites as follows:

All publications, whether patents or otherwise, referred to previously or later in this specification are herein separately incorporated by reference. Although full incorporation of the individual publication is intended, it is recognized that those of ordinary skill in the art can readily determine from the incorporated publications those sections which are most relevant to the present invention and those sections which could be deleted without loss of understanding.

In view of the explicit statement that the entire publication is intended to be incorporated by reference into the specification, applicants submit that the introduction of the entire body of Fraley and Horsch into the specification of the present application does not involve the introduction of new matter.

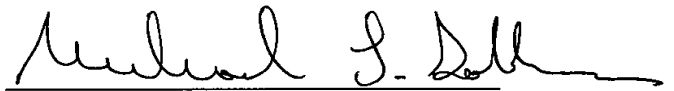
The language of Fraley and Horsch was copied directly, except that (i) pronouns "we" or "our" were replaced by "Fraley et al.", "Horsch et al.", or "their" as appropriate; (ii) figure numbers were changed to accommodate the single figure as originally filed with the present application; (iii) either short or full citations to publications referenced in Fraley and Horsch were introduced directly into text; (iv) publications referenced in Fraley and Horsch but not incorporated by reference into the specification of the present application were explicitly excluded from the above-noted statement which expressly incorporates by reference all publications cited in the specification; (v) any brackets appearing in the text of Fraley and Horsch were replaced by commas to avoid any difficulties under current reissue practice for amendments; and (vi) headings appearing in Fraley were not copied into the specification.

Attached hereto is a complete copy of the specification of the present reissue application which incorporates the above amendments.

This preliminary amendment is also accompanied by similar amendments to the following abandoned ancestor applications: 06/714,263; 06/842,484; 07/449,049; and 08/068,168.

No claims have been amended by this preliminary amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Goldman", written over a horizontal line.

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